



Crl.O.P. No.22204 of 2024

Crl.O.P.No.22204 of 2024

P. DHANABAL.J.,

WEB COPY

The petitioner apprehends arrest for the alleged offences under Sections 342, 354(A) of IPC and 5(1) & 17, 6 of POCSO Act in Crime No.27 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that this petitioner and one Ramesh have illegal relationship. The said Ramesh frequently visit the house of the petitioner and he misbehaved with the victim girl who is daughter of this petitioner. The victim girl told the said incident to her mother, she told her not to disclose the said act to the anybody. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is the mother of the victim girl. The petitioner has not involved any offences as alleged by the prosecution. This petitioner is an innocent person and she had not indulged in any illegal activities as alleged by the prosecution and she has been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioner.



Crl.O.P. No.22204 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that this petitioner and one Ramesh have illegal relationship. The said Ramesh frequently visit the house of the petitioner and he misbehaved with the victim girl who is daughter of this petitioner. The victim girl told the said incident to her mother, she told her not to disclose the said act to the anybody. The victim girl is only 14 years old. In this case, 164(5) Cr.P.C. statement was recorded from the victim girl. There is no previous case is pending against the petitioner. The 1st accused already arrested and he has been detained in Goondas. Hence, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the relationship between the victim girl and this petitioner, already the 1st accused was arrested and he has been detained as Goondas and Section 164(5) Cr.P.C. statement of victim girl was also recorded, there is no previous case as against the petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the



Crl.O.P. No.22204 of 2024

following conditions:

WEB COPY

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Special Court for POCSO Act Cases, Kallakurichi, Kallakurichi District** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Special Court for POCSO Act Cases, Kallakurichi, Kallakurichi District on every working day at 10.30a.m. until further orders;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[d] the petitioner shall not abscond either during



WEB COPY



Crl.O.P. No.22204 of 2024

investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S. 2023.

12.09.2024

gvn



WEB COPY



Crl.O.P. No.22204 of 2024



WEB COPY



CrI.O.P. No.22204 of 2024

P.DHANABAL,J

gvn

CrI.O.P.No.22204 of 2024

12.09.2024